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C O N F I D E N T I A L SECTION 01 OF 06 KUWAIT 004813

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SUBJECT: 28TH MEETING OF THE TRIPARTITE COMMISSION: 28
CASES CLOSED; PRAISE FOR IRAQI ROLE IN RECOVERING REMAINS

Classified By: Ambassador Richard LeBaron for reasons 1.4(b) and (d).

¶1. (C) Summary: Kuwait hosted on November 15, the 28th meeting of the Tripartite Commission (TPC) on Gulf War Missing. The session closed 28 cases (26 Kuwaitis, two Saudis, and one Iraqi), continued the mandate of the Technical Sub-Committee (TSC) for one year, and selected November 15, 2006 as the date of the next TPC meeting to be held in Geneva. There were no contentious items and delegations, particularly the Kuwaitis and Saudis, were effusive in their praise of the cooperation received from the Iraqi Transitional Government (ITG). Saudi delegation head Prince Turki expressed his appreciation for Iraqi recognition of the POW/missing issue as a humanitarian concern, explaining that the change in perspective facilitated greater cooperation. During a November 14 bilateral with the U.S. delegation, ICRC meeting chair Balthasar Staehelin also commended Iraqi participation, but expressed concern that unless more Iraqi remains were found, the TPC would be subject to criticism that it was biased towards Kuwait. He noted U.S. and MNF-I assistance in locating possible mass grave sites, and hoped that the Iraqi security situation would improve sufficiently to permit their excavation. The Ambassador thanked Kuwait for testing its unidentified remains against a DNA sample of CAPT Michael Scott Speicher and restated that the U.S. considers the case to be open. The TPC was preceded by the 49th meeting of the Technical Sub-Committee on November 13. End summary.

Remains of 28 POWs Identified and Repatriated

¶2. (SBU) Kuwait hosted and the International Committee of the Red Cross (ICRC) convened the 28th meeting of the Tripartite Commission on Gulf War Missing on November 15. Delegations from the U.S., UK, France, Kuwait, Iraq, and Saudi Arabia met to review progress on locating, identifying, and repatriating the missing victims of the 1990-91 Gulf War. The TPC closed the cases of 28 individuals (26 Kuwaitis, 2 Saudis, and one Iraqi), bringing the grand total of mortal remains exhumed and identified to 227. Of the cases closed the majority of the remains were found in Iraq: 2 sets in Samawa, seven in Karbala, 16 in Ramadi, and three in Al Amara. The Iraqi case closed during the session was an individual recovered in Kuwait by a construction crew. The GOK has 120 sets of remains which have not yet been identified. The GOK tested these remains for the DNA of CAPT Michael Scott Speicher, but the results were negative. Speicher's DNA is now listed in the Kuwaiti database and will be compared against all future remains tested by the GOK.

Enhanced Cooperation for Grave Site Visits

¶3. (C) The Kuwaiti delegation announced its interest in

continuing to examine grave sites at Nasseriya and Karbala. If the security situation does not permit a Kuwaiti investigative team to travel, however, Iraq again offered to provide sample remains for testing. (Comment: in July and October, The ITG provided mortal remains samples to Kuwait for DNA testing which the GOK appreciated. Both the GOK and ICRC noted that such cooperation marked a new page in bilateral relations, commenting that even a year ago neither delegation would have trusted any sample offered by Iraq. End comment.) The ICRC will lead a joint mission to Saudi Arabia to document missing Iraqis buried in Saudi cemeteries. The Iraqi delegation offered to provide the GOK, through the ICRC, with the names of possible witnesses to the existence of mass graves, and also informed the TPC of a possible grave at Tel Al-Laham, possibly holding up to 600 sets of human remains. The Kuwaiti, Saudi, and Iraqi delegations welcomed technical assistance from the U.S., UK, and France in improving their identification efforts, through technical experts, lab enhancements, or off-site testing.

ICRC Generally Positive on the TPC Process

14. (C) During a November 14 bilateral meeting with the Ambassador, Balthasar Staehelin, TPC Chairman and ICRC Delegate-General for the Middle East and Africa, said the process was on track and praised the new degree of trust between the GOK and ITG. He also expressed appreciation for the support given to the identification and repatriation of remains by coalition forces. He voiced concern, however, about the image of the TPC if no Iraqi remains are found. He noted the majority of the remains recovered have been Kuwaiti nationals and was troubled that critics would accuse the TPC of being biased, and attempt to drive a wedge between the GOK

KUWAIT 00004813 002 OF 006

ad ITG. He reported the U.S. had previously provided coordinates for possible grave sites in Iraq and hoped security conditions would soon permit the excavation and identification of Iraqi victims.

Opening Statements

15. (U) ICRC

On behalf of the International Committee of the Red Cross, I have the pleasure to welcome you to the 28th Tripartite Commission Meeting here in Kuwait.

The past year has seen the consolidation of a positive dynamic of increasing trust and cooperation between the main concerned parties. Without attempting to be exhaustive, I would like to cite a few examples illustrating this trend:

- after the 47th Technical Sub-Committee, the Iraqi delegation paid a two-day visit to the facilities of the Kuwaiti National Committee for Missing and POW Affairs following the invitation extended a year ago;
- the Tripartite Commission-related exhumations of mortal remains in Iraq were carried out in close cooperation between Iraq and Kuwait with the valuable support of the MNF-I providing security and logistical support;
- a new practice has emerged by which the Iraqi delegation provides samples of mortal remains exhumed in Iraq to Kuwait allowing a first analysis prior to a mission of Kuwaiti technical teams into Iraq;
- information has been forwarded by Saudi Arabia on marked burial sites of Iraqi citizens on its territory.

Today the Tripartite Commission is set to close 30 cases. Sadly, all persons were found dead. Nevertheless, this means that 30 families finally learn about the fate of their missing sons, brothers, husbands, that 30 families can start to mourn and to rebuild their lives. (Note: During the meeting, it became clear that Saudi and Kuwait had each

submitted the names of the two Saudis identified. Once the duplication was recognized, 28 cases were closed, not 30. End note.)

While tangible progress has thus been made due to the joint efforts of all parties to this process, the number of cases solved is significantly lower than in the two previous years. The paradox between an increase in cooperation and trust and a declining number of cases solved illustrates the difficulties of the work at hand. Reliable information is hard to find, the field work is hampered by an extremely dangerous environment in Iraq, the forensic scientists cannot always achieve conclusive results.

In spite of these difficulties, we have observed a strong commitment to the process and a determination to move it ahead with the shared goal of elucidating the fate of persons unaccounted for as a result of the 1990-91 war, regardless of their nationality.

Acutely aware of the continuous plight of the concerned families, the ICRC remains fully engaged and committed to facilitate this humanitarian process in fulfillment of its mandate under international humanitarian law.

16. (U) Iraq

On behalf of the Iraqi delegation, I would like to present my thanks and gratitude to the State of Kuwait for hosting the 28th meeting of the TPC and the 49th meeting of the TSC; also we appreciate the ICRC efforts and all members of the TPC for their continuous work to solve this humanitarian issue.

Since the fall of the former Iraqi region, Iraq worked with all its abilities to participate with the concerned parties to reduce the suffering and to approach the decisive results for determining the fate of missing persons of all nationalities.

Iraq is always ready to cooperate completely with all parties in the field of exchange of information to approach the decisive tangible results.

Recently, Iraq took measures with spontaneous efforts to investigate and search for information about a mass grave site in Al Amara governorate presumably containing Kuwaiti nations. On the other hand, we coordinated with the Kuwaiti side under the supervision of the ICRC to test samples of the remains for identification. An Iraqi technical team exhumed

KUWAIT 00004813 003 OF 006

the samples from the site in spite of the security difficulties and handed them over to the Kuwaiti side for DNA testing.

Finally, I would like to reiterate my thanks and gratitude to the State of Kuwait for hosting the meeting, and appreciate the ICRC and all the members of the TPC for their staunch efforts in the humanitarian field and we hope for all parties to take an exerted action for serving this humanitarian issue.

17. (U) Kuwait

The State of Kuwait renews its special appreciation and gratitude to the ICRC and to all members of the Tripartite Commission for their continuous efforts in firmly pursuing this humanitarian issue. In particular, Kuwait wishes to express warm appreciation to Multinational Forces in Iraq and to the Iraqi Security Forces for their active role in providing security around field operations for the search and retrieval of mortal remains.

We also care to express our genuine thanks to the Iraqi government represented here by the Ministry of Human Rights for the excellent efforts they have exerted in pursuing specific information on one burial site which might contain

remains of Kuwaiti nationals. Details of this matter were discussed in the Technical Sub-Committee, but it was the Iraqi delegation which took the initiative of submitting the information, and it was the Iraqi authorities who provided samples of the mortal remains. Therefore it is the positive attitude and noble gesture by the Iraqi authorities which really counts and deserves special highlighting in this meeting. It is a perfect example of the spirit and conduct towards such a humanitarian matter that we all hoped for since establishment of the Tripartite Commission. Again we express our thanks and appreciation to the Iraqi Government and to its delegation.

The State of Kuwait welcomes recent political developments in Iraq, with Kuwait's deepest wish that such effort will be soon rewarded with further results in the normalization of the country, and with significant progress in solving all humanitarian issues that are still afflicting the Iraqi people in one way or another, including the issue that, once more, we are here to discuss. Again, we reconfirm our commitment to sincerely work together in clarifying the fate of all missing persons, regardless of their nationalities.

During our 27th meeting last year, we expressed legitimate satisfaction on the speed taken up by the search process after fall of the precious Iraqi regime, in particular with regards to the search for missing Kuwaitis. In just about one year and one-half, we have been able to close one-third of all the cases submitted by Kuwait. This significant achievement had been made possible especially through the climate of excellent cooperation between all parties involved, which allowed us to overcome quickly all obstacles found on the way, and which is still prevailing among us.

Looking back, however, we shall recognize that the process has slowed down very significantly during the last twelve months. The number of remains identified in this period lies far below the previous average, and concerns remains that had been exhumed during the first period. No remains of any missing Kuwaiti has been identified in the last 6 months.

We are, of course, perfectly aware of the reasons which have been determining this situation. We are not in a position to blame anybody other than the poor security situation still existing around key burial sites in Iraq. Yet, we are not allowed to underestimate the ordeal of families who are still awaiting the truth about the fate of their loved one. Fifteen years after the sad events which caused this human tragedy, we should not accept the idea of falling back into a period of stagnation reminiscent in any way of what was experienced in the past even if caused by totally different reasons.

Until now, the efforts of this Commission and of its Technical Sub-Committee have been instrumental in identifying and excavating burial sites in Iraq. Today, we are here to ask once more your irreplaceable support in keeping the process on the right track by exploring and finding, all together, fresh solutions to the new challenges; in particular, to the obstacle represented by the security situation around the burial sites.

A word of appreciation goes to the personal efforts by the ICRC Regional Delegate for the Arabian Peninsula, Mr. Michel

KUWAIT 00004813 004 OF 006

Meyer. Since 2000 when he took over this difficult responsibility, he put forth the best of efforts, even beyond official duties, to achieve the noble aims of this Commission. We mention this on occasion of the end of Mr. Meyer's duty in the region. We thank him and wish him success in his new post.

On behalf of the families of the martyred prisoners, we thank you for all the good results obtained until now, as well as for those that, hopefully, we are going to achieve all

together in the near future.

18. (U) Saudi Arabia

It is my pleasure upon convening the 28th meeting of the Tripartite Commission to thank the International Committee of the Red Cross and all member delegations in the Commission for their continuous efforts to learn the fate of prisoners and missing persons. I am also pleased on behalf of the Delegation of the Kingdom of Saudi Arabia to extend our gratitude for the brotherly Government of the State of Kuwait for hosting this meeting and for its hospitality and kind reception.

The elimination of obstacles that were known to everyone, which stood in the way of progress in the undertakings of the Tripartite Commission and the Technical Sub-Committee has considerably influenced the progress of work assigned to the two entities and resulted in uncovering the fate of many prisoners and missing persons and thus to the closing of their files. Although this may not be considered a happy concluding, nonetheless, knowing their fate would slightly alleviate the suffering of their families which lasted for many years. We hope to know in the immediate future the fate of all the prisoners and missing persons in order to close the files.

What has been accomplished in the past two years, despite of the brevity of time, and the deteriorating security conditions, should be considered a good outcome and ought to propel us to look ahead for more. The delegation of the Kingdom of Saudi Arabia affirmed on many occasions the need for finding expeditious solutions for this human tragedy. The families and relatives of prisoners and missing persons are still looking for confirmation of the fate of their sons and kinfolks for the last decade and one-half.

Within this perspective, I would like to stress again the support of the Kingdom of Saudi Arabia to the Tripartite Commission, the Technical Sub-Committee and the principles of which they were established under the auspices of the International Committee for the Red Cross. The Commission and the Technical Sub-Committee are the acceptable and appropriate mechanisms to deal with humanitarian issues relating to the prisoners and missing persons. Accordingly, there is a need for a commitment by all parties to the continuity of those two entities in fulfilling their mandates since they are the two bodies we all approved. We should also discuss the steps and effective measures that could help us acquire a definitive conclusion for this human tragedy.

Finally, I would like to reiterate my appreciation to the International Committee of the Red Cross and to members of the Tripartite Commission for their dedicated endeavors in this regard, wishing success for all concerned with the hope to put an end to this human suffering.

19. (U) U.S.

The United States commends the International Committee of the Red Cross (ICRC) for its enduring commitment to resolve the status of the numerous Iraqis, Kuwaitis, Saudis, as well as the many others who failed to return home following the 1990-1991 Gulf War. We now know that many of these civilians and military personnel did not survive the brutalities meted out by the regime of Saddam Hussein, and we are pleased to be a part of this international effort to acknowledge their sacrifices and console the families and friends who miss them.

We would also like to extend our appreciation to the Government of Kuwait for hosting this 28th meeting of the Tripartite Commission (TPC). Our presence here, in a country ravaged by the 1990-1991 war, is testimony to the progress achieved since that difficult period in our shared history. We applaud the continued cooperation of TPC members and look forward to a time when all victims have been identified and repatriated, and when we can work together on other issues to shape a more secure and prosperous future.

We welcome the attendance and participation of the delegation representing the Iraqi Transitional Government (ITG). We applaud the ITG's dedication to building a strong, democratic Iraq and consider its close cooperation with its neighbors on this humanitarian issue to be an important step in strengthening relations with its regional partners. We hope that one day soon we will all be able to accept the invitation extended at our last meeting in Geneva to meet in Baghdad.

Since our meeting last November, more grave sites have been discovered and more victims have been identified. Still, many -- among them Kuwaitis, Saudis, Egyptians, Lebanese, countless Iraqis, many others, and our own CAPT Michael Scott Speicher -- remain missing. It is our deepest hope that our joint efforts will help to locate these brothers and sisters, and console their families. We appreciate the willingness of the Government of Kuwait to compare a sample of CAPT Speicher's DNA against its database of unidentified remains. While there was no match, we hope this approach will inspire additional creative ways to identify those murdered or missing as a result of Saddam Hussein's dictatorship. Just as you are determined to locate and repatriate your countrymen, we are steadfast in our resolve to bring CAPT Speicher home, and are confident that together, we will achieve our goals. Through this committee and bilaterally, we are prepared to help.

¶10. (U) France and the UK did not deliver formal statements. The French delegation offered, in general terms, technical assistance in identifying remains.

Delegations

¶11. (SBU) Iraq

Hesham Al-Suhail, Head of Delegation
Kazem A, Kazem
Yaqoob Haider
Ali M Thumad
Thabit M. Hussain

¶12. (U) Kuwait

Dr. Ibrahim Al-Shaheen, Head of Delegation
Mr. Rabea Al, Adsani
Dr. Sultan Al-Khalaf
Mr. Fozan Al-Fozan
Dr. Mohammad Al-Hadad
Ambassador Khaled Al-Maqamis

¶13. (U) Saudi Arabia

Prince Turki bin Mohammed bin Saud Al-Kabir, Head of Delegation
M.G Ibrahim Al-Amro
Khaled Al-Angari
Dr. Abdulrahman Al-Shareif
Mr. Ahmad M. Omar
Mr. Fahad Al-Juraid

¶14. (U) France

Ambassador Corinne Breuze, Head of Delegation

¶15. (U) UK

CDA Jamie Bowden, Head of Delegation

¶16. (U) U.S.

Ambassador Richard LeBaron, Head of Delegation

Natalie E. Brown
Bruce R. Harder, Policy Advisor, Office of the Secretary of
Defense, Defense POW/Missing Personnel Office

117. (U) ICRC

Balthasar Staehelin, TPC Chairman and Delegate-General for
the Middle East and Africa
Michel Meyer, TSC Chairman and Regional Delegate for the
Arabian Peninsula
Karl Anton Mattli, Head of Delegation ICRC Iraq
Daniel Fasnacht, Deputy Head of Regional Delegation for the
Arabian Peninsula
Micha Wedekind, Delegate for "Missing" file for Iraq

KUWAIT 00004813 006 OF 006

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